

DISTRICT OF MASSACHUSETTS  
UNITED STATES DISTRICT COURT

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IN RE: PHARMACEUTICAL  
INDUSTRY AVERAGE WHOLESAL  
PRICE LITIGATION

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)  
) MDL No. 1456  
)  
) CIVIL ACTION NO. 01-CV-12257-PBS  
)  
) Judge Patti B. Saris  
)

THIS DOCUMENT RELATES TO:

ALL CLASS ACTIONS

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**DECLARATION OF EDWARD NOTARGIACOMO RELATING  
TO PLAINTIFFS' REPLY MEMORANDUM IN SUPPORT OF  
PLAINTIFF'S MOTION FOR A PROTECTIVE ORDER  
REGARDING SUBPOENAS TO PUTATIVE CLASS MEMBERS**

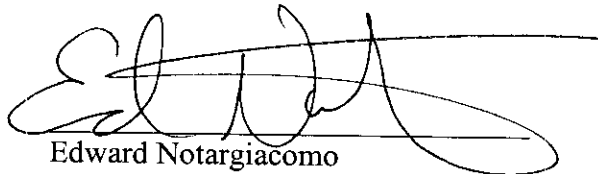
I, Edward Notargiacomo, depose and say as follows:

1. I am member of the bar of the Supreme Judicial Court of the Commonwealth of Massachusetts and a member of the United States District Court for the District of Massachusetts. I am with the law firm of Hagens Berman LLP, Liaison Counsel and Co-Lead Counsel for the Plaintiffs in the above-captioned action. I submit this affidavit regarding Plaintiffs' Reply Memorandum in Support of Plaintiffs' Motion for a Protective Order Regarding Subpoenas to Putative Class Members.

2. Attached hereto as Exhibits A thru H are true copies of the following documents:

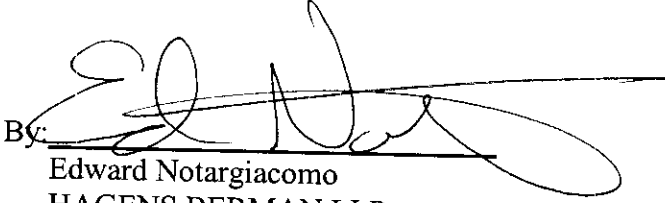
<u>Exhibit No.</u>	<u>Document Description</u>
A.	Subpoena in a Civil Case issued to Office of General Counsel, United States Department of Health and Human Services on December 18, 2003;
B.	Subpoena in a Civil Case issued to 30 Medicare Part B carriers on January 15, 2004;
C.	Subpoena in a Civil Case issued to Comptroller General of the United States, General Accounting Office on February 20, 2004;
D.	Subpoena in a Civil Case issues to the Office of General Counsel, United States Department of Veterans Affairs on February 20, 2004;
E.	Third-Party Pacificare Health Systems, Inc.'s Response and Objections to Subpoena Seeking Deposition Testimony and Request for Production of Documents;
F.	Objections to Defendants' Subpoena by United HealthCare Insurance Company (manager or AARP Pharmacy Services);
G.	AmeriChoice Health Services, Inc.'s Objections to Defendants' Subpoena: and
H.	United HealthCare, Inc.'s Objections to Defendants' Subpoena.

I say the forgoing under the pains and penalties of perjury on this 23rd day of January, 2004.

  
Edward Notargiacomo

**CERTIFICATE OF SERVICE**

I hereby certify that I, Edward Notargiacomo, an attorney, caused true and correct copies of the foregoing Declaration Of Edward Notargiacomo Relating To Plaintiffs' Reply Memorandum In Support Of Plaintiff's Motion For A Protective Order Regarding Subpoenas To Putative Class Members to be served on all counsel of record electronically, pursuant to Section D of Case Management Order No. 2., this 23<sup>rd</sup> day of January, 2004..

By:   
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